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Fax Transmittal

OFFICIAL

Date	April 9, 2002	<b>FAX RECEIVED</b>
Our File	42121-0003	APR 10 2002
To	Examiner Delacroix Muirhe	<b>GROUP 1600</b>
Company	United States Patent and Trademark Office	
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Number of pages including this one	4	
Original	<input type="checkbox"/> By Mail	<input type="checkbox"/> By Courier
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Message

PLEASE CONTACT PATRICIA ZAHAVICH AT (613) 236-1995 IF YOU HAVE ANY QUESTIONS OR COMMENTS REGARDING THIS TRANSMISSION

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4/30/02  
*Sign*

File: 42121-0003 MHM:pdz

**IN THE UNITED STATES PATENT AND TRADEMARKS OFFICE****In The Matter of Patent Application:**

Applicant : **LAUTT, Wayne W.**  
Serial No. : **09/806,989**  
Filing Date : **May 29, 2001**  
Title : **METHOD FOR TREATING INSULIN RESISTANCE  
THROUGH HEPATIC NITRIC OXIDE**  
Examiner : **Cybille Delacroix Muirhei**  
Art Unit: : **1614**

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To: The Assistant Commissioner for Patents,  
The U.S. Department of Commerce,  
PATENT OFFICE,  
Washington, D.C., U.S.A., 20231

Dear Sir:

Responsive to the Office Action mailed 13 March 2002, the applicant submits the following remarks:

For the reasons which follow, the applicant submits that newly added claims 12 through 15 are patentable over the cited references.

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**Claim 12**

New claim 12 is directed to a pharmaceutical composition comprising an effective amount of a nitric oxide agonist, and a pharmaceutically acceptable carrier.

The cited references neither disclose nor suggest a composition containing a nitric oxide agonist.

The reference of Petrie, cited by the Examiner, reports a correlation between reduced insulin sensitivity and the response to an inhibitor of nitric oxide synthase. However, Petrie neither reports nor suggests a correlation between insulin sensitivity and responses to acetylcholine or sodium nitroprusside, which compounds would be expected to increase nitric oxide levels. Thus, Petrie neither teaches nor suggests that the use of a nitric oxide agonist would increase insulin sensitivity.

As the cited art neither teaches pharmaceutical compositions including nitric oxide agonists, nor suggests their usefulness to increase insulin sensitivity, the applicant submits that new claim 12 is novel and non-obvious in light of the cited art.

**Claims 12 to 15**

Claim 13, and claims 14 and 15 dependent upon it, are directed to a kit comprising at least one of a nitric oxide donor or a nitric oxide agonist together with instructions for the administration of the nitric oxide donor or nitric oxide agonist to ameliorate the symptoms of insulin resistance.

As described with respect to new claim 12, above, the cited art neither teaches nor suggests compositions containing a nitric oxide agonist or a role for nitric oxide agonists in reducing the symptoms of insulin resistance.

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Moreover, as discussed with respect to claim 12, the cited references neither teach nor suggest a use of either nitric oxide donors or nitric oxide agonists in ameliorating the symptoms of insulin resistance, nor do they provide a method or instructions for administering such compounds to overcome the symptoms of insulin resistance.

As the administration of a nitric oxide donor or nitric oxide agonist to ameliorate the symptoms of insulin resistance is neither taught nor suggested in the cited art, a kit comprising such instructions together with a nitric oxide donor or nitric oxide agonist is therefore novel and non-obvious in light of the cited art.

Favourable reconsideration and allowance of this application are respectfully requested.

This response is being forwarded to you via facsimile transmission to the Patent Examination Section, Fax No. (703) 308-4242, and we trust this will be in order.

Respectfully Submitted,

**LAUTT, Wayne W.**

By: \_\_\_\_\_

*W Charles Kent*

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